

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

HENRI JOSEPH PLOVIE,

Plaintiff,

v.

CASE NO. 05-CV-71440-DT
HONORABLE NANCY G. EDMUNDS
UNITED STATES DISTRICT JUDGE

VICTORIA JACKSON, et. al.,

Defendants,

**OPINION AND ORDER DENYING THE
MOTION FOR RECONSIDERATION**

On May 23, 2005, the Court partially dismissed plaintiff's civil rights complaint which had been brought pursuant to 42 U.S.C. 1983 and ordered that the remainder of the complaint be transferred to the United States District Court for the Western District of Michigan for further proceedings. Plaintiff has now filed objections to the Court's opinion and order, which are construed as a motion for reconsideration. For the reasons stated below, the motion for reconsideration is denied.

U.S. Dist.Ct. Rules, E.D. Mich. 7.1 (h) allows a party to file a motion for reconsideration. However, a motion for reconsideration which presents the same issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *Ford Motor Co. v. Greatdomains.com, Inc.*, 177 F. Supp. 2d 628, 632 (E.D. Mich. 2001). A motion for reconsideration should be granted if the movant

demonstrates a palpable defect by which the court and the parties have been misled and that a different disposition of the case must result from a correction thereof. *MCI Telecommunications Corp. v. Michigan Bell Telephone Co.*, 79 F. Supp. 2d 768, 797 (E.D. Mich. 1999). A palpable defect is a defect that is obvious, clear, unmistakable, manifest, or plain. *Witzke v. Hiller*, 972 F. Supp. 426, 427 (E.D. Mich. 1997).

In this case, plaintiff's motion for reconsideration will be denied, because plaintiff is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court partially dismissed plaintiff's civil rights complaint and ordered that the remainder of the complaint be transferred to the Western District of Michigan. *Hence v. Smith*, 49 F. Supp. 2d 549, 553 (E.D. Mich. 1999).

ORDER

Based upon the foregoing, IT IS ORDERED that the motion for reconsideration is **DENIED**.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: June 15, 2005

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 15, 2005, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager

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